

FINAL OMB SUPPORTING STATEMENT FOR  
OFFICE OF STATE AND TRIBAL PROGRAMS REQUESTS TO  
NON-AGREEMENT STATES FOR INFORMATION  
(3150-XXXX)  
NEW COLLECTION

Description of the Information Collection

Occasionally, requests may be made of Non-Agreement States that are similar to those of Agreement States to provide a more complete overview of the national program for regulating radioactive materials. This information would be used in the decision-making of the Commission. The legal basis is that Section 274(a)(3) of the Atomic Energy Act authorizes and directs the U.S. Nuclear Regulatory Commission (NRC) to cooperate with the States to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials. With Agreement States and as part of the NRC cooperative post-agreement program with the States pursuant to Section 274(b), information on licensing and inspection practices, and/or incidents, and other technical and statistical information are exchanged. Agreement State comments are also solicited in the areas of proposed implementing procedures relative to NRC Agreement State program policies. The information requests sought from Non-Agreement States may take the form of one-time surveys, e.g., telephonic and electronic surveys/polls and facsimiles (questionnaires).

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection Information

Occasionally, the 18 Non-Agreement States may be asked for information similar to that requested of Agreement States. These information requests will primarily refer to naturally occurring and accelerator-produced radioactive materials which may be subject to State regulations since they do not come under the purview of the Atomic Energy Act, as amended. The reason for requesting such information is that the information can assist the Commission in its considerations and decisions involving Atomic Energy Act materials programs in an effort to make the national nuclear materials program more uniform and consistent.

In 1959, Section 274 of the Atomic Energy Act was enacted to spell out a State's role and to provide a statutory basis under which the Federal government could relinquish to the States portions of its regulatory authority. The 1959 amendments made it possible for the States to license and regulate byproduct, source materials, and small quantities of special nuclear material. The mechanism for the transfer of NRC's authority to a State is an Agreement between the Governor of the State and the NRC. Thirty-two States have entered into such Agreements with NRC. These States now regulate approximately 75 percent of byproduct, source and special nuclear material licenses in the United States, as permitted by Section 274 of the Atomic Energy Act.

As part of the NRC cooperative post-agreement program with the States, information on licensing and inspection practices, and/or incidents, and other technical and statistical information is voluntarily exchanged. Similar sharing of information may be requested of

the 18 Non-Agreement States with regard to accelerator-produced radioactive materials (ARM) that may be subject to State regulations to help the Commission further evaluate issues concerning the regulatory oversight of Atomic Energy Act and ARM materials.

2. Agency Use of Information

The periodic one-time collection of data from the individual Non-Agreement States enables the NRC and States to identify issues, and plan and evaluate options for future actions. The data are also utilized in preparing responses to Congressional inquiries and requests for information from other sources. There is no ready source, other than the Conference of Radiation Control Program Directors, Inc., for obtaining such necessary information other than from the Non-Agreement States.

3. Reduction of Burden Through Information Technology

Fifty percent collection through electronic technology is expected from Non-Agreement States based on Agreement States experience. There are no legal obstacles to reducing the burden associated with this information collection through the use of information technology. The NRC encourages the respondents to use any innovative technology which would reduce the burden.

4. Effort to Identify Duplication and Similar Use Information

These one-time or as-needed information collections address specific generic issues and events or procedures and guidance that are unique to the Non-Agreement States and are not addressed by use of existing data collections. The Information Requirements Control Automated System (IRCAS) was searched and no duplication was found.

5. Effort to Reduce Small Business Burden

There is no impact or burden on small business because the recipients of the requests are State agencies.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

The information collections are a one-time or as-needed action, which address specific issues generic to the Non-Agreement States. The consequences of not collecting information, such as licensing and inspection practices, incidents and other technical and statistical information, could potentially impact the American public health and safety and also hamper the identification and evaluation of issues and options for the development of program responses to national problems. Further, the opportunity for valuable Non-Agreement State review and comment on proposed policy and program updates, and revisions would not be timely or eliminated all together.

7. Circumstances Which Justify Variation From OMB Guidelines

Because information would be collected in the most expedient manner possible in order to respond to an exigent or unique circumstance which could affect public health and safety, it is possible that such a request would require a response in less than 30 days. Further, the opportunity for valuable Non-Agreement State review and comment on proposed policy and program updates, and revisions would not be timely or would be eliminated altogether.

8. Consultation Outside the NRC

The opportunity for public comment was published in the Federal Register on November 7, 2002 (67 FR 67878). No comments were received.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of the Information

Proprietary information would be handled with confidentiality, as required under 10 CFR 2.790(d). All other information would be made part of the public record.

11. Justification for Sensitive Questions

It is unlikely that any sensitive information would be required to be collected from Non-Agreement States because NRC does not require the Agreement States to submit any sensitive information on a systematic basis.

12. Estimated Burden and Burden Hour Cost

The NRC anticipates issuing one request annually to 18 Non-Agreement States. A one hundred percent response rate is estimated because of the rarity of the requests. A Non-Agreement State will take 7.5 hours to respond to each request for a total annual burden of 135 hours (18 Non-Agreement States X 1 response X 7.5 burden hours per response) based on Agreement State experience. The requests will be analyzed by professional staff with support from clerical staff and responses formulated and sent to NRC. For professionals, the estimated cost is \$20,520 (135 hours X \$152 per professional staff hour). For clerical support, the estimated cost is \$840 (14 hours (10 percent of professional time) X \$60 per clerical staff hour). The total estimated burden for Non-Agreement States is 135 hours at a cost of \$21,360. [For lack of data, the State professional and clerical pay rates are assumed to be equal to the Federal pay rates shown in item 14.]

13. Estimate of Other Additional Costs

None.

14. Estimated Annualized Cost to the Federal Government

The professional staff will compile and analyze the responses or comments, and respond to the States, as applicable. Clerical staff will support professional staff. For one request with 18 Non-Agreement States responding, the estimated annualized professional cost to the Federal government is \$2,128, assuming an hourly fee of \$152 per hour and 14 hours of work (about 10 percent of the Non-Agreement State hours shown in item 12.). For clerical support, the estimated cost is \$84 (\$60 per hour x 10 percent of professional time, 1.4 hours). The total Federal government cost is estimated to be \$2,212 combining professional and clerical cost.

15. Reasons for Change in Burden

The Non-Agreement States have not previously been asked to respond to requests for information from the Office of State and Tribal Programs.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

In the case of an exigent or unique circumstance which would trigger a telephonic NRC survey of Non-Agreement States, the expiration date for OMB approval will be verbally transmitted.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.